

ASSEMBLY BILL

No. 840

Introduced by Assembly Member Torres

February 17, 2011

An act to amend Section 17021.6 of the Health and Safety Code, relating to employee housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 840, as introduced, Torres. Employee Housing Act: agricultural land use.

The Employee Housing Act requires a person operating employee housing to obtain a permit to operate that housing from the agency that enforces the act, which can either be the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for enforcing the act. The act designates any employee housing consisting of no more than 36 beds in a group quarters or 12 units of spaces designed for use by a single family or household as an agricultural land use.

This bill would make technical, nonsubstantive changes to these provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17021.6 of the Health and Safety Code
- 2 is amended to read:

1 17021.6. (a) The owner of any employee housing who has
2 qualified or intends to qualify for a permit to operate pursuant to
3 this part may invoke this section.

4 (b) Any employee housing consisting of no more than 36 beds
5 in a group quarters or 12 units or spaces designed for use by a
6 single family or household shall be deemed an agricultural land
7 use ~~designation~~ for the purposes of this section. For the purpose
8 of all local ordinances, employee housing shall not be deemed a
9 use that implies that the employee housing is an activity that differs
10 in any other way from an agricultural use. No conditional use
11 permit, zoning variance, or other zoning clearance shall be required
12 of this employee housing that is not required of any other
13 agricultural activity in the same zone. The permitted occupancy
14 in employee housing ~~in an agricultural~~ *a zone allowing agricultural*
15 *uses* shall include agricultural employees who do not work on the
16 property where the employee housing is located.

17 (c) Except as otherwise provided in this part, employee housing
18 consisting of no more than 36 beds in a group quarters or 12 units
19 or spaces designed for use by a single family or household shall
20 not be subject to any business taxes, local registration fees, use
21 permit fees, or other fees to which other agricultural activities in
22 the same zone are not likewise subject. This subdivision does not
23 forbid the imposition of local property taxes, fees for water services
24 and garbage collection, fees for normal inspections, local bond
25 assessments, and other fees, charges, and assessments to which
26 other agricultural activities in the same zone are likewise subject.
27 Neither the State Fire Marshal nor any local public entity shall
28 charge any fee to the owner, operator, or any resident for enforcing
29 fire inspection regulation pursuant to state law or regulations or
30 local ordinance, with respect to employee housing consisting of
31 no more than 36 beds in a group quarters or 12 units or spaces
32 designed for use by a single family or household.

33 (d) For the purposes of any contract, deed, or covenant for the
34 transfer of real property, employee housing consisting of no more
35 than 36 beds in a group quarters or 12 units or spaces designed for
36 use by a single family or household shall be considered an
37 agricultural use of property, notwithstanding any disclaimers to
38 the contrary. For purposes of this section, "employee housing"
39 includes employee housing defined in subdivision (b) of Section

1 17008, even if the housing accommodations or property are not
2 located in a rural area, as defined by Section 50101.

3 (e) The Legislature hereby declares that it is the policy of this
4 state that each county and city shall permit and encourage the
5 development and use of sufficient numbers and types of employee
6 housing facilities as are commensurate with local need. This section
7 shall apply equally to any charter city, general law city, county,
8 city and county, district, and any other local public entity.

9 (f) If any owner who invokes the provisions of this section fails
10 to maintain a permit to operate pursuant to this part throughout
11 the first 10 consecutive years following the issuance of the original
12 certificate of occupancy, both of the following shall occur:

13 (1) The enforcement agency shall notify the appropriate local
14 government entity.

15 (2) The public agency that has waived any taxes, fees,
16 assessments, or charges for employee housing pursuant to this
17 section may recover the amount of those taxes, fees, assessments,
18 or charges from the landowner, less 10 percent of that amount for
19 each year that a valid permit has been maintained.

20 (g) Subdivision (f) shall not apply to an owner of any
21 prospective, planned, or unfinished employee housing facility who
22 has applied to the appropriate state and local public entities for a
23 permit to construct or operate pursuant to this part prior to January
24 1, 1996.